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EXAMINER

O BRIEN, JEFFREY D

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

11/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed 10/29/2008 have been fully considered but they are not persuasive.
2. Regarding Applicants argument that '247 does not disclose wherein the leaf spring member and fixing plate are pressed into contact with each other. It is noted that in '247, the leaf spring member (24) is pressed into contact with the fixing plate (42) via the protrusions (25) of the fixing plate. It is further noted that the claim does not indicate "direct contact", and it is not assumed to be taken as such because Applicant discloses embodiments in which the fixing plate does not make direct contact, but instead contacts the leaf spring member via separate spherical protrusions (Applicant's Fig. 18: 9)
3. Applicant further argues that '247 does not disclose a fixing plate that does not rotate when the movable shaft rotates, however, it is noted that fixing plate (42) is of the same shape as the outer casing, which prevents it from rotating with the shaft. The shaft takes on a generally circular cross section at the portion 28, 29 (as seen in Fig.4: B), and the spring washer has tabs 33 that interlock with 34 to cause the spring washer to rotate with the shaft.
4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a movable shaft such that the pressure contact force between the spring member and the fixing plate can be adjusted, manufactured via sheet metal working, pressing or injection molding, smooth torque characteristics) are not recited in the rejected claim(s).

Art Unit: 3677

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. Applicant further argues that the leaf spring member and fixing member of '247 are not "plates". It is noted that no special meaning is given to this word and that the leaf spring and fixing member of '247 can easily be referred to as plates without extending beyond the normal accepted definition of the word.

6. Regarding Applicant's arguments that '852 does not provide a teaching or suggestion for cutting off the cam 2b from the base member, it is pointed out that the reference provides the same function having an integral cam and base member as one having a separate cam and base member. Note that it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art.

Nerwin v. Erlichman, 168 USPQ 177, 179. See MPEP § 2144.04

7. Regarding Applicant's arguments that '228 does not disclose two protrusions, it is noted here that the protrusions have been taught by reference '852. And that the references '852 and '228 are viewed together to teach this combination.

8. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey O'Brien whose telephone number is (571)270-3655. The examiner can normally be reached on Monday through Friday 8:00am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/
Supervisory Patent Examiner, Art Unit 3677

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